

**Notice of Allowability**

Application No.

09/787,686

Examiner

Stephen J. Lechert Jr.

Applicant(s)

HAGENAH, GERHARD

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1732

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--  
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1306.

1. ☒ This communication is responsive to the filing date of 3-21-2001
  2. ☒ The allowed claim(s) is/are 1-6 and 14-18, re-numbered as 1, 2, 4, 5, 7, 9, 3, 6, 8, 10 and 11 respectively
  3. ☒ The drawings filed on 21 March 2001 are accepted by the Examiner.
  4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f)
    - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
(a) ☐ The translation of the foreign language provisional application has been received.
  6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1 ☒ Notice of References Cited (PTO-892)
- 2 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3 ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No. \_\_\_\_\_
- 4 ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
- 5 ☐ Notice of Informal Patent Application (PTO-152)
- 6 ☒ Interview Summary (PTO-413), Paper No. \_\_\_\_\_
- 7 ☒ Examiner's Amendment/Comment
- 8 ☒ Examiner's Statement of Reasons for Allowance
- 9 ☐ Other

Stephen J. Lechert Jr.  
Primary Examiner  
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**DETAILED ACTION**

- 1. Restriction is required under 35 U.S.C. 121 and 372.**

**This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.**

**In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.**

**Group I, claim(s) 1-6 and 14-18, drawn to a method of aging a concrete block.**

**Group II, claim(s) 7-13 and 19-22, drawn to an apparatus for aging a concrete block.**

**2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: The apparatus of the group II claims does not require the concrete blocks to be treated, for example the apparatus can be a conveying means for any type of particulate material and is not limited to the concrete blocks.**

**3. During a telephone conversation with Mr. Colton on January 20, 2004 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-6 and 14-18. Affirmation of this election**

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must be made by applicant in replying to this office action. Claims 7-13 have been withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Action on the merits of claims 1-6 and 14-18 follows:

5. Claims 1-6 and 14-18 are free of the prior art.

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Colton on January 20, 2004.

The application has been amended as follows:

**In the Abstract:**

Delete, line 1, "Abstract" insert --Abstract of the Disclosure--

Line 2, Delete "in conjunction with figure 2"

**In the Title:**

Delete "and Device"

**In the Specification:**

Page 1, line 1, insert --This application is a 371 of PCT/EP99/06855,  
filed September 16, 1999.--

**In the Claims:**

Delete 7-13 and 19-22.

7. The following is an examiner's statement of reasons for allowance:

The invention relates to a method for mechanical or artificially ageing concrete blocks wherein the concrete blocks are positioned on an inclined surface, the concrete is inclined with respect to the inclined surface. Treatment bodies of a harder substance than the concrete blocks are feed at the top of the inclined plane and tumble past the inclined concrete block to partially remove projecting edges and corners of the blocks thereby imparting an aged effect or look to the concrete blocks. The method as claimed has not been taught either singularly or in combination of the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid

**processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."**


**8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. EP 0 894 590 teaches an ageing processing for a brick which includes the steps of making the bricks from clay or mud, molding and firing the brick, and the subjecting the surface of the brick by tumbling the bricks in a drum.**

**9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Lechert Jr. whose telephone number is 571-272-1203. The examiner can normally be reached on 9:30-6:00.**

**If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Colaianni can be reached on 571-272-1196. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.**

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-0987.

  
Stephen J. Lechert Jr.  
Primary Examiner  
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